

# **Exhibit D**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Patent Application of:

Confirmation No.: 7747

Title: Railroad Gondola Car Structure and Mechanism Therefor  
Inventor: James W. Forbes et al.  
Assignee: National Steel Car Ltd.  
Filed: September 14, 2009  
Serial No: 12/559,065  
Art Unit: 3617  
Examiner: Smith, Jason C.,

To: Mail Stop Amendment  
The Honorable Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO REQUIREMENT FOR RESTRICTION**

Sir:

This letter is responsive to the Official Action dated October 18, 2011, and is timely filed to meet the one month due date for response of November 18, 2011. Please amend the above-identified application as follows:

**Amendments to the Specification** – None at this time.

**Amendments to the Claims** begin on page 2 of this paper.

**Amendments to the Drawings** – None at this time.

**Remarks** begin on page 7 of this paper.

Please charge any additional fees or fee deficiency required by this paper to Deposit Account 15-0450.

**Amendments to the Claims**

The following listing of claims supersedes all previous listings of claims in this matter.

1. – 19. (Cancelled).

20. A rail road hopper car comprising:

a hopper carried between a pair of trucks, said hopper having first and second upstanding sidewalls running lengthwise therealong;

said hopper having a lower discharge and convergent slope sheets giving onto said discharge;

said rail road car having a side sill and a top chord;

said first upstanding sidewall extending from said side sill to said top chord;

said first upstanding sidewall having a predominantly upwardly running sidewall stiffener mounted thereto, said sidewall stiffener being located at a longitudinal station intermediate the trucks;

said first upstanding sidewall having a first region, said first region being a lower region thereof;

said first upstanding sidewall having a second region, said second region being an upper region thereof;

said sidewall stiffener having a first portion, said first portion being a lower portion thereof, said first portion being mounted to said first region of said first upstanding sidewall;

said sidewall stiffener having a second portion, said second portion being an upper portion thereof, said second portion being mounted to said second region of said first upstanding sidewall;

said first portion of said first upstanding sidewall stiffener being laterally outboard of said first region of said first upstanding sidewall;

said second portion of said sidewall stiffener being laterally inboard of said second region of said first upstanding sidewall;

said first sidewall having a continuous section between said first and second regions thereof; and

said sidewall stiffener having web continuity between said first and second portions thereof.

21. – 25. (Cancelled)

26. (New) A rail road hopper car comprising:

a hopper carried between a first end section and a second end section;  
said first and second end sections being carried by respective first and second trucks for  
rolling motion in a longitudinal direction along railroad tracks;  
said hopper having first and second upstanding sidewalls running lengthwise therealong;  
said hopper having a lower discharge and convergent slope sheets that slope downward  
toward said discharge;  
said discharge having a door movable between a closed position and an open position to  
govern egress of lading from said hopper;  
one of said convergent slope sheets being a first end slope sheet;  
said first end slope sheet extending laterally between said first and second upstanding  
sidewalls;  
said first end slope sheet having a first, lower, longitudinally inboard end proximate said  
discharge, and a second, upper, longitudinally outboard end distant from said  
discharge;  
said first end section having a first draft sill and a main bolster extending cross-wise to said  
first draft sill, said first draft sill and said main bolster intersecting at a first truck  
center, said first truck being located centrally under said first truck center;  
said draft sill having a striker longitudinally outboard of said first truck center;  
said first end section having a shear plate mounted overtop of said first draft sill and said  
main bolster;  
said shear plate having a longitudinally inboard margin adjacent to said longitudinally  
inboard end of said first end slope sheet;  
said shear plate having a longitudinally outboard cross-wise running margin traversing said  
draft sill longitudinally outboard of said truck center;  
said upper, longitudinally outboard end of said first end slope sheet being reinforced by a  
first cross-wise extending beam;  
said lower, longitudinally inboard end of said first end slope sheet being reinforced by a  
second cross-wise extending beam;  
said first end slope sheet overhanging said shear plate;  
a door actuator mounted above said shear plate, said door actuator being at least partially  
overhung by said first end slope sheet;  
said door actuator being connected to said door by a mechanical transmission;  
said first end section being free of longitudinally oriented elephant ears extending between  
said draft sill and said first end slope sheet;  
said hopper having respective first and second top chords running longitudinally therealong;

said car having respective first and second side sills running longitudinally between said first and second end sections;

said first upstanding sidewall having a predominantly upwardly running sidewall stiffener mounted thereto, said sidewall stiffener being located at a longitudinal station intermediate the trucks;

said first upstanding sidewall having a first region, said first region being a lower region thereof;

said first upstanding sidewall having a second region, said second region being an upper region thereof;

said first and second regions of said sidewall adjoining each other at a height intermediate said first side sill and said first top chord;

said second region of said sidewall extending downwardly or said first top chord;

said first region of said sidewall extending downwardly and laterally inboard from said second region of said sidewall;

said sidewall stiffener having a first portion, said first portion being a lower portion thereof, said first portion being mounted to said first region of said first upstanding sidewall;

said sidewall stiffener having a second portion, said second portion being an upper portion thereof, said second portion being mounted to said second region of said first upstanding sidewall;

said first portion of said first upstanding sidewall stiffener being laterally outboard of said first region of said first upstanding sidewall;

said second portion of said sidewall stiffener being laterally inboard of said second region of said first upstanding sidewall;

said first sidewall having a continuous section between said first and second regions thereof; and

said sidewall stiffener having web continuity between said first and second portions thereof.

27. (New) The rail road hopper car of claim 26 wherein said first and second portions of said sidewall stiffener are substantially co-planar, and are substantially vertically aligned when seen in a sectional view looking along the car.

28. (New) The rail road hopper car of claim 26 wherein said first upstanding sidewall has a third region intermediate said first and second regions, said third region including a side sheet transition portion passing across said sidewall stiffener from an inboard margin thereof to an outboard margin thereof, and said stiffener having vertical web continuity through said transition portion.

29. (New) The rail road hopper car of claim 26 wherein:

said first upstanding sidewall has a third region intermediate said first and second regions,  
said third region including a side sheet transition portion passing across said sidewall  
stiffener from an inboard margin thereof to an outboard margin thereof;  
said hopper includes first and second sloped side sheets; and  
said first sloped side sheet meets said first sidewall at said transition portion.

30. (New) The rail road hopper car of claim 28 wherein said first sidewall has an overall height from said first side sill to said first top chord, L, and said transition portion is located a distance above said first side sill that is in the range of  $\frac{1}{4}$  to  $\frac{2}{3}$  L.

31. (New) The rail road hopper car of claim 29 wherein said first sidewall has an overall height from said first side sill to said first top chord, L, and said first sloped side sheet meets said transition portion at an height that is in the range of  $\frac{1}{4}$  to  $\frac{2}{3}$  L above said first side sill.

32. (New) The rail road hopper car of claim 26 wherein said hopper has a cross-wise extending outboard end top chord; and an end post extends from said draft sill to said end top chord, said end post being mounted above said draft sill between said truck center and said striker.

33. (New) The rail road hopper car of claim 32 wherein:

said hopper has an end wall extending downward of said end top chord;  
said upper, longitudinally outboard end of said first end slope sheet meets said downwardly  
extending end wall; and  
said first cross-wise extending beam is located where said downwardly extending end wall  
meets said first end slope sheet; and  
said first cross-wise extending beam is of hollow cross-section.

34. (New) The rail road hopper car of claim 32 wherein said shear plate has lateral margins; said lateral margins of said shear plate mate with said first and second side sills; and said sidewall stiffener is supported by a respective one of said side sills.

35. (New) The rail road hopper car of claim 34 wherein said main bolster has first and second ends; and first and second corner posts extend upwardly from said first and second ends respectively to mate with said sidewalls.

36. (New) The rail road hopper car of claim 26 wherein said main bolster has first and second ends; and first and second corner posts extend upwardly from said first and second ends respectively to mate with said sidewalls.

37. (New) The rail road hopper car of claim 36 wherein said shear plate has lateral margins; said lateral margins of said shear plate mate with said first and second side sills; and said sidewall stiffener is supported by a respective one of said side sills.

38. (New) The rail road hopper car of claim 26 wherein said shear plate has lateral margins; said lateral margins of said shear plate mate with said first and second side sills; and said sidewall stiffener is supported by a respective one of said side sills.

39. (New) The rail road hopper car of claim 26 wherein said first and second portions of said sidewall stiffener are made of flat bar, are positioned in vertical-transverse planes, are substantially co-planar, and are substantially vertically aligned when seen in a sectional view looking along the car.

**Remarks**

**1. Status of the Case**

Claims 1 – 25 were pending in this case.

By the Office Action of October 18, 2011 the Examiner requires restriction as between two groups of claims, namely:

- Group A – Claims 1 – 19; and
- Group B – Claims 20 – 25.

**2. Submission of IDS Materials**

The Applicant has submitted a fairly extensive listing of Information Disclosure Statement materials in this matter. There materials are intended to include:

- (a) non-patent admitted prior art, including photographs and drawings of cars built and operated in public before the date of the present invention; and
- (b) patent references relating to hopper car cars and gondolas.

The Applicant also draws the Examiner's attention to the following co-pending cases:

- 1) USSN 13/195,664 filed May 11, 2011
- 2) USSN 12/694,896 filed January 27, 2010
- 3) USSN 12/781,741 filed May 14, 2010; and
- 4) USSN 12/816,660 filed June 16, 2010

The Applicant draws the Examiner's attention to the non-patent references. The original search in this matter may not necessarily have included comparable materials.

The reproduction quality of DM & IR Drawings 8760 of April 8, 1950 is very poor. However, when seen in full scale it shows a very short draft sill dimensions. It also indicates rivet-installed rear draft gear having trailing ends extending longitudinally inboard of the truck center. This car appears to be substantially the same design as the DM & IR car shown at page 283 of the *1943 Cyclopedia*.

**3. Election and Amendments to the Claims**

The Applicant Elects to prosecute the claims of Group B, namely claims 20 – 25. Of those claims, the Applicant has cancelled claims 21 – 25.

Claims 1 – 19 have been cancelled without prejudice to the filing of a divisional case to pursue the subject matter of those claims.

New claims 26 – 39 have been introduced. Independent claim 26 is incorporates substantially similar subject matter to that of claim 20, and, to the extent that the subject matter of claim 20 is searchable within class 105, subclass 247, it is thought that independent claim 26 is also searchable within class 105, subclass 247.

**4. Concluding Commentary**

The Applicant respectfully submits that all of the claims pending in the case are in a condition for allowance. The Applicant therefore requests early and favorable disposition of this matter.

Yours very truly,  
Hahn Loeser & Parks LLP

/Michael H. Minns/

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